REMARKS/ARGUMENTS

New Claims 42-64 have been added. Support for these new claims can be found throughout the application, and specifically on pages 6 and 7 of the application. These claims were added to further claim what the Applicants regard as their invention. No new matter has been added.

Claim 1 has been cancelled.

Claim 2 has been amended to incorporate the limitations of Claim 1, from which it depended. The scope of Claim 2 remains unchanged.

Claims 3, 5-9, and 11 have been amended due to the cancellation of Claim 1, and now depend upon Claim 2.

Claim 14 has been cancelled.

Claim 15 has been amended to incorporate the limitations of Claim 14, from which it depended. The scope of Claim 15 remains unchanged.

Claims 17, 19-21, 23 and 25 have been amended due to the cancellation of Claim 14, and now depend upon Claim 15.

Claims 26 and 27 have been cancelled.

Claim 28 has been amended to incorporate the limitations of Claims 26 and 27.

Claims 31-34 have been amended due to the cancellation of Claim 26, and now depend upon Claim 28.

Claims 35 and 36 have been cancelled.

Claim 37 has been amended to incorporate the limitations of Claims 35 and 36.

Claims 39-41 have been amended due to the cancellation of Claim 35, and now depend upon Claim 37.

Claims 42-64 have been added

The previous application consisted of 4 independent claims and 41 total claims. After the present amendment, the application consists of 6 independent claims and 58 total claims; therefore, excess claim fees are due and enclosed herewith.

Claim Rejections – 35 USC 102

In sections 2 and 3 of the Office Action, the Examiner rejected Claims 1-5, 8, 11-17, 20, 23-25, 26-31, 33, and 35-39 as being anticipated by Chern et al. US Patent Publication No. 2003/0060211, herein referred to as "the Chern reference."

Claim 2

Specifically, regarding Claim 2, the Examiner asserted that the Chern reference discloses orientation data to assist with user-generated queries, pointing to paragraphs 0040, 0084, and 0085. The Applicants respectfully disagree with the characterization of the Chern reference by the Examiner.

In order to establish a prima facie case of anticipation, the Examiner must set forth an argument that provides (1) a single reference (2) that teaches or enables (3) each of the claimed elements (as arranged in the claim) (4) either expressly or inherently and (5) as interpreted by one of ordinary skill in the art. All of these factors must be present, or a case of anticipation is not met. Thus, "[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under consideration." *W.L. Gore & Associates v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983). The Applicants submit that the Chern reference does not teach, disclose, or suggest "orientation data" as is claimed in Claim 2.

Claim 2 claims, in part, "... the position detection system is comprised of a variety of complimentary devices that provide user *position data* to assist with the user-generated quires; ... wherein said position detection system further provides *orientation data* to assist with user-generated queries." (emphasis added) Thus, Claim 2 claims both user position data and orientation data.

MPEP 2111 states "During patent examination, the pending claims must be "given *>their< broadest reasonable interpretation consistent with the specification." citing to *In re Hyatt,* 211 F.3d 1367, 1372 (Fed. Cir. 2000). The Applicants point to the paragraph spanning pages 7 and 8 of the application and the first full paragraph on page 8 as examples of what is meant by "position data" and "orientation data." First, the paragraph spanning pages 7 and 8 of the application provides an interpretation of "position data," stating "the system requires either that the user's position be manually entered by the user, or that the system to receive the user's position form an automatic

position-sensing device 202 such as a global positioning system (GPS)." While the first full paragraph on page 8 provides an interpretation of "orientation data," stating "Additional embodiments of the present invention allow explicit querying of the information server 100 based on the position and orientation of the user. Such querying can be achieved with the aid of a body-worn device such as a compass that transmits the orientation of the user to the information server 100." In light of the foregoing, the Applicants submit that consistent with the specification, position data is not the same thing as orientation data, position data being something that can be obtained from GPS and orientation being something that requires directional information from a device such as a compass.

The Applicants submit that while the Chern reference does teach providing position data, the Chern reference does not teach, disclose or suggest orientation data, as is claimed in Claim 2. In the Chern reference, paragraph 0040 refers to a position determination system. In the middle of the paragraph, it states "Position determination system 134 determines location in terms of parameters such as latitude, longitude, height, speed of travel, and any other useful location or position parameters. In one embodiment, position determination system 134 is implemented using a GPS (global positing system) or differential GPS. Paragraph 0084 of the Chern reference discusses additional details of the GPS embodiment, where there is a GPS receiver 304 and an antenna 310 which allows the GPS receiver 304 to communicate with the constellation of GPS satellites. Finally, paragraph 0085 of the Chern reference discussed voice synthesis and/or recognition capabilities. Thus, the Applicants submit that position data, which can be received from a GPS system and includes latitude, longitude, etc., is taught by the Chern reference; however the Applicants are unaware how the Examiner is interpreting the Chern reference to teach orientation data. As is explained above, in light of the specification, orientation data is different from position data, where the orientation data includes direction. Therefore, the Applicants submit that the Chern reference does not teach, disclose or suggest all of the elements claimed in Claim 2. Therefore, Claim 2 is patentable over the references cited by the Examiner.

Claim 4

In reference to Claim 4, the Examiner stated on pages 3 and 4 of the office action that the Chern reference discloses that said location-specific information is spatially enhanced based on the user position and orientation data to appear to be coming from a location with which the information is associated, citing to paragraphs 0040, 0063 through 0065, 0084 and 0085. As previously discussed with reference to Claim 2, the Applicants submit that the Chern reference does not teach, disclose or suggest orientation data; therefore, the Chern reference does not teach, disclose or suggest "location-specific information is spatially enhanced based on the user position and orientation data."

In addition, the Applicants submit that the Chern reference does not teach, disclose or suggest "location-specific information is spatially enhanced ... to appear to be coming from a location with which the information is associated," as is claimed in Claim 4. In the Chern reference, paragraph 0040 refers to the hands-free until having a position determination system. Paragraphs 0063 though 0065 describe providing location-based driving directions in response to a user request. These paragraphs describe that door-to-door driving directions as well as city-to-city driving directions are available. These paragraphs discuss how the starting location and ending location are determined. The starting location is either determined by the position determination, i.e. GPS system, or by the user entering the information. The Chern reference teaches, at step 640, that the user enters the destination city, if it is city-to-city directions, or at step 644, that the user enters the destination address if it is door-to-door driving directions requested. Paragraph 0065 describes that the driving directions are transmitted to the handset 130 and are displayed or audibly rendered to the user. Paragraph 0084 of the Chern reference discusses additional details of the GPS embodiment, where there is a GPS receiver 304 and an antenna 310 which allows the GPS receiver 304 to communicate with the constellation of GPS satellites. Finally, paragraph 0085 of the Chern reference discusses voice synthesis and/or recognition capabilities. The Applicants submit that none of the paragraphs referenced by the Examiner, and nowhere in the Chern reference, is the limitation of "location-specific information is spatially enhanced based on user position and orientation data to appear to be coming from a location or object with which the information is associated," taught as is claimed in Claim 4. The Chern reference teaches

that the directions may be provided to the user in an auditory fashion, but does not teach, disclose or suggest that the auditory information is spatially enhanced to appear to be coming from a location or object with which the information is associated. Therefore, the Applicants submit that Claim 4 is patentable, not only due to its dependence upon an allowable base claim; but because none of the art cited by the Examiner teaches, discloses or suggests all of the limitations of Claim 4.

Claim 13

Regarding Claim 13, the Examiner stated on page 4 of the office action, that Chern discloses the provision of location-specific information based on an expected user destination determined from the user orientation data, citing to paragraphs 0062 through 0065. As previously discussed with reference to Claim 2, the Applicants submit that the Chern reference does not teach, disclose or suggest orientation data, thus the Applicants submit that the Chern reference does not teach, disclose or suggest providing location-specific information based on an expected user destination determined from the user orientation data as is claimed in Claim 13.

In addition, the Applicants submit that the Chern reference does not teach, disclose or suggest an audio transmission device configured to "provide location-specific information based on an expected user destination determined from the user orientation data," as is claimed in Claim 13. As previously discussed, paragraphs 0063 though 0065 describe providing location-based driving directions in response to a user request. These paragraphs describe door-to-door driving directions as well as city-to-city driving directions as being available. Additionally, these paragraphs discuss how the starting location and ending location are determined. The starting location is either determined by the position determination mechanism, i.e. GPS system, or by the user entering the information. The Chern reference teaches, at step 640, that the user enters the destination city, if it is city-to-city directions, or at step 644, the user enters the destination address if it is door-to-door driving directions requested. Thus, the Chern reference teaches that the user destination is determined from user input. In contrast, Claim 13 claims, "user destination determined from the user orientation data." Thus, the Applicants submit that the Chern reference does not teach, disclose or suggest all of the limitations of Claim 13.

Therefore, the Applicants submit that Claim 13 is patentable over the cited prior art, in addition to being patentable based upon an allowable base claim.

Claims 3-13

Claims 3-13 are dependent upon Claim 2. For the reasons given above, the Applicants submit that Claim 2 is patentable over the cited prior art. Thus, the Applicants submit that Claims 3-13 are also patentable over the cited prior art at least through their dependence upon an allowable base claim.

Claim 15

Claim 15 includes the limitations off "... utilizing a position detection system comprised of a variety of position devices to generate a *user position*; ... wherein the position detection system further collects user *orientation data.*" (emphasis added) The Applicants submit that Claim 15 is patentable over the cited prior art for at least the same reasons that Claim 2 is patentable over the cited prior art.

Claims 16-25

Claims 16-25 are dependent upon Claim 15. For the reasons given above, the Applicants submit that Claim 15 is patentable over the cited prior art. Thus, the Applicants submit that Claims 15-25 are also patentable over the cited prior art at least through their dependence upon an allowable base claim.

Claim 28

Claim 28 claims "... a position detection system capable of providing the *user-specified-specific-geographic location*; ... wherein the position detection system further provides orientation data to assist with user-generated queries," (emphasis added) The Applicants submit that Claim 28 is patentable over the cited prior art for at least the same reasons that Claim 2 is patentable over the cited prior art.

Claims 29-34

Claims 29-34 are dependent upon Claim 28. For the reasons given above, the Applicants submit that Claim 28 is patentable over the cited prior art. Thus, the Applicants submit that Claims 29-34 are also patentable over the cited prior art at least through their dependence upon an allowable base claim.

Claim 37

Claim 37 claims, "... choosing a user-specified-geographic location by utilizing a position detection system, wherein the user-specified-specific-geographic location is a *user's position* ... wherein the position detection system further provides *user orientation data.*" (emphasis added) The Applicants submit that Claim 37 is patentable over the cited prior art for at least the same reasons that Claim 2 is patentable over the cited prior art.

Claims 38-41

Claims 38-41 are dependent upon Claim 37. For the reasons given above, the Applicants submit that Claim 37 is patentable over the cited prior art. Thus, the Applicants submit that Claims 38-41 are also patentable over the cited prior art at least through their dependence upon an allowable base claim.

Rejections - 35 USC 103

In sections 4 and 6, the Examiner rejected Claims 9, 10, 21, 22, 34 and 41 under 35 USC 103(a) as being unpatentable over the Chern reference in view of US Publication No. 200330068974 to Kanamalura et al., herein referred to as the Kanamalura reference.

The Kanamaluru Reference as Prior Art

"A rejection based on 35 U.S.C. 102(e) can be overcome by: ... (D) Filing an affidavit or declaration under 37 CFR 1.131 showing prior invention, if the reference is not US Patent (or US patent application publication) claiming the same patentable invention." MPEP §706.02(b)

The Applicants respectfully note that the claims of the Kanamalura patent application are directed toward filtering broadcast data in accordance with the user's personal preferences and location, while the present application's claims, which were rejected by the combination of the Kanamaluru and Chern references, are directed toward user-annotating or user-modifying location specific information.

The Applicants refer back to their response dated September 8, 2003, where the Applicants submitted Declarations under 35 CFR 1.131 by the Applicants. The Declarations, along with their accompanying appendices demonstrated that this invention was conceived at least as early as May 26, 1999, and that diligent steps were taken inside the United States of America until the present application was filed on October 17, 2000. In addition, an Invention Disclosure date-stamped and witnessed on August 5, 1999, was presented. The Kanamaluru reference was filed on April 3, 2001 and claims priority to a provisional application filed on May 11, 2000.

The Declarations under 37 CFR 1.131, along with the other evidence submitted on September 8, 2003, is sufficient to "swear behind" the effective date of the Kanamaluru reference. Should the Examiner need any further information or evidence, the Applicants encourage the Examiner to contact the Applicants at the Examiner's earliest convenience.

Claim 9

Claim 9 claims, in part, "said location specific information has an ability to be user-annotated or user-modified." In rejecting Claim 9, the Examiner stated that Chern does not disclose the location specific information has an ability to be user-annotated. However, the Examiner turned to the Kanamaluru reference to teach that the information as an ability to be user annotated. However, as explained above, in view of the effective date established by the Declarations under 37 CFR 1.131 submitted on September 8, 2003, the Kanamalura reference is not prior art to the Applicants application. In addition, the remaining effective prior art of record, taken individually, or in the aggregate, does not appear to contemplate all the limitations of Claim 9 of the present invention. Thus, the Applicants submit that Claim 9 is patentable over the cited prior art.

For at least the foregoing reasons the Applicants respectfully request that the existing claim rejections under 35 U.S.C. §102(e) and 103(a) be withdrawn.

PATENTABILITY OF NEW CLAIMS

Claim 42

Claim 42 claims, in part, "wherein the location-specific information has an ability to be user-annotated or user-modified." Claim 42 is a combination of the limitations found in old Claim 1 and old Claim 9. For at least the reasons presented above with respect to Claim 9, the Applicants submit that Claim 42 is patentable over the cited prior art.

Claim 43

Claim 43 claims, in part, "wherein the position detection system further provides orientation data to assist with user-generated queries." The Applicants submit that Claim 43 is patentable not only due to its dependence upon an allowable base claim, but also for at least the same reasons provided above with respect to Claim 2. Specifically, the Applicants are unaware where in the cited prior art the provision of orientation data is taught, disclosed or suggested.

Claims 43-53

Claims 43-53 are dependent upon Claim 42. For the reasons given above, the Applicants submit that Claim 42 is patentable over the cited prior art. Thus, the Applicants submit that Claims 43-53 are also patentable over the cited prior art at least through their dependence upon an allowable base claim.

Claim 54

Claim 54 claims, in part, "wherein the location-specific information has an ability to be user-annotated or user-modified." The Applicants submit that Claim 54 is patentable over the cited prior art for at least the same reasons that Claim 42 is patentable over the cited prior art.

Claims 55-64

Claims 55-64 are dependent upon Claim 54. For the reasons given above, the Applicants submit that Claim 54 is patentable over the cited prior art. Thus, the Applicants submit that Claims 55-64 are also patentable over the cited prior art at least through their dependence upon an allowable base claim.

Concluding Remarks:

In view of the foregoing, it is respectfully submitted that all now pending claims 2-13, 15-25, 28-34, and 37-64 are in allowable condition. Reconsideration is respectfully requested. Accordingly, early allowance and issuance of this application is respectfully requested. Should the Examiner have any questions regarding this response or need any additional information, please contact the undersigned at (310) 589-8158.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 50-2691. In particular, if this response is not timely filed, the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 50-2691.

Respectfully submitted,

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Date

Cary Tope-McKay
Registration No. 41,350

Cary Tope-McKay
TOPE-MCKAY & ASSOCIATES
23852 Pacific Coast Hwy. #311
Malibu, Ca 90265
Tel: 310.589.8158

Mobile: 310.383.7468
Fax: 310-943-2736
E-mail: cmckay@topemckay.com